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June 29, 2004

**BY HAND DELIVERY**

Surface Transportation Board

Case Control Unit

Attention: Kenneth Blodgett

1925 K Street, N.W.

Washington, DC 20423-0001

EI-891  
KB

**RE:   *The Kansas City Southern Railway Company – Petition for Exemption –  
Abandonment Of Second Street Track In Kansas City, MO***  
Docket No. AB-103 (Sub-No. 17X)

Dear Mr. Blodgett:

On June 7, 2004, the Surface Transportation Board ("STB") issued a Draft Environmental Assessment ("Draft EA") in the above-captioned proceeding. In the Draft EA, the Board noted that the Missouri State Historic Preservation Officer ("MO SHPO") had indicated that the abandonment "may have an adverse effect on the historic fabric of the Old Town Historic District." As a result, the Draft EA recommended that a condition be placed upon any decision granting abandonment authority that would require The Kansas City Southern Railway Company ("KCSR") to comply with the Section 106 process of the National Historic Preservation Act ("Section 106 Condition").

KCSR filed comments on the Draft EA on June 9, 2004. The City of Kansas City (the "City") and KCSR also began discussions regarding any potential adverse effects on the historic fabric of the Old Town Historic District and the City then had discussions with the MO SHPO. As a result of those discussion, the MO SHPO and the Missouri Department of Natural Resources (MO DNR) have now concluded that the "proposed abandonment of the Second Street track will have no adverse effect on the Old Town Historic District" and that their June 24, 2004 letter "replaces their correspondence of April 6, 2004." See enclosed June 24, 2004 letter from Mark A. Miles, Director and Deputy State Historic Preservation Office. Accordingly, because the MO SHPO no longer has historic preservation concerns and no other party has expressed concerns over the historic impact of the proposed abandonment, KCSR requests that the STB's Section of Environmental Analysis reverse their recommendation contained in the Draft EA and that any decision granting abandonment authority not include a Section 106 condition.

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KCSR has appreciated your cooperation and advice. If you have any questions regarding the MO SHPO's new conclusions, please contact Judith Deel at (573) 751-7862 and reference SHPO Log Number 065-JA-04. Likewise, I am available to answer any of your questions or to provide you with additional information.

Sincerely yours,

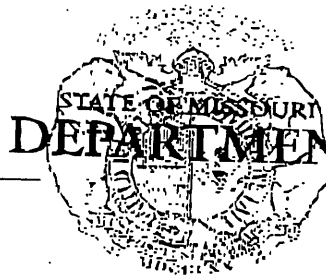


William A. Mullins

Enclosure

cc: Victoria J. Ruston, Esquire (STB/SEA)  
Mark A. Miles, Missouri Department of Natural Resources (DNR)/State Historic  
Preservation Office (SHPO)  
Don L. Klima, Advisory Council on Historic Preservation (ACHP)  
Warren K. Erdman, The Kansas City Southern Railway Company (KCSR)

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Bob Holden, Governor • Stephen M. Mahfood, Director

## DEPARTMENT OF NATURAL RESOURCES

www.dnr.mo.gov



June 24, 2004

David C. Reeves  
Baker & Miller PLLC  
2401 Pennsylvania Avenue, NW  
Suite 300  
Washington, DC 20037

Re: Second Street Track Abandonment (STB) Kansas City, Jackson County, Missouri

Dear Mr. Reeves:

Thank you for submitting information on the above referenced project for our review pursuant to Section 106 of the National Historic Preservation Act (P.O. 89-865, as amended and the Advisory Council on Historic Preservation's regulation 36 CFR Part 800, which require identification and evaluation of cultural resources.


We have reviewed the additional information provided by Bradley Wolf, Administrator, Landmarks Commission of Kansas City, concerning the above referenced project. We concur with the determination that the proposed abandonment of the Second Street track will have no adverse effect on the Old Town Historic District, a property listed in the National Register of Historic Places and the Town of Kansas Archaeological Site, a property determined to be eligible for inclusion in the National Register of Historic Places. This letter replaces our correspondence on this project dated April 6, 2004.

Please be advised that, should project plans change, information documenting the revisions should be submitted to this office for further review and comment on possible effects to historic properties.

If you have any questions, please write Judith Deel at State Historic Preservation Office, P.O. Box 176, Jefferson City, Missouri 65102 or call 573/751-7862. Please be sure to include the SHPO Log Number (065-JA-04) on all future correspondence or inquiries relating to this project.

Sincerely,

STATE HISTORIC PRESERVATION OFFICE

  
Mark A. Miles  
Director and Deputy State  
Historic Preservation Officer

MAM:jd

c Harold McNulty, STB  
Brad Wolf, KC

*Integrity and excellence in all we do*